

July 7, 2025
Ap (91)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR 276 of 2025

Maitreyi Dutta.
Vs.
The State of West Bengal & Anr.

Adv. Sudipto Kumar Mazumder
Adv. Panchali Deb Sikder (Nag)
Adv. Saptak Sarkar
Adv. Sudip Paul
Adv. Satyam Sarkar,

...for the petitioner.

Adv. Dr. Arjun Chowdury
Adv. Somraj Paul
Adv. Subham ghosh

.... For the opposite party

Heard learned counsels for the parties.

A very unusual complaint has been filed by the second opposite party before the learned Additional Chief Judicial Magistrate, Siliguri is pending before the learned Judicial Magistrate, 4th Court, Siliguri at present under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the Act of 2005).

Learned counsel for the petitioner seeks quashing of the said proceedings being Misc. Case no. 168 of 2024 solely on the ground that the provision is applicable only to women and the private opposite party being the husband of the petitioner is not entitled to lodge such complaint.

The Act has been enacted to eliminate all forms of discrimination against women. It is a social beneficial legislation

which comes to the aid of women at large. The term 'aggrieved person' as defined in Section 2 (a) of the Act is any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent.

In view of the above, this Court is inclined to hold that the second opposite party, being a male person, is not entitled to seek intervention of the Court under Section 12 of the Act of 2005.

Accordingly, the revisional application being CRR 276 of 2025 is allowed.

Proceedings being Misc. Case no. 168 of 2024 presently pending learned Judicial Magistrate, 4th Court, Siliguri be quashed.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)